
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Koch, Robert A.

Group Art Unit: 2617

Application No. 10/717,892

Examiner: Desir

Filed: 20 November 2003

Attorney Docket: 02301 CON 2

Title: "System & Method for Providing Usage Monitoring Telephony Services"

37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

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February 9, 2009
Date of Transmission

**REQUEST FOR RECONSIDERATION
OF FINAL ACTION**

MAIL STOP AF
Commissioner for Patents

The Assignee respectfully requests reconsideration of the final rejection mailed December 11, 2008. As the following remarks explain, the proposed combination of *Fuller*, *Koster*, and *Jones* teaches away by requiring impermissible changes to a principle of operation. Because the patent laws prohibit such changes, the proposed combination of *Fuller*, *Koster*, and *Jones* cannot support a *prima facie* case for obviousness. The Office is thus required to remove the § 103 (a) rejection of the claims.

LISTING OF THE CLAIMS

1. (Previously Presented) A method for monitoring communications usage, comprising:

receiving a call routed from a dialed number in a native transport network to a virtual telephone number in a service-providing network, the native transport network having limited or no capability of providing advanced telephony service;
providing the advanced telephony service to the call, wherein the virtual telephone number utilizes the intelligent services provided by the service-providing network;
routing said call from the service-providing network to a terminating network destination; and
monitoring a duration of said call traversing the service-providing network.
2. (Previously Presented) The method of claim 1, further comprising monitoring a status of said call.
3. (Previously Presented) The method of claim 1, further comprising routing said call to an original destination via the separate native transport network.
4. (Canceled)
5. (Original) The method of claim 1, wherein said service-providing network is a network selected from the group consisting of a wireline network, a wireless network, and a packet-switching network.
6. (Previously Presented) The method of claim 1, further comprising associating the virtual telephone number to a wireless telephone number existing in the native transport network.
7. (Previously Presented) The method of claim 1, further comprising associating the virtual telephone number to another telephone number existing in the native transport network.

8. (Original) The method of claim 1, wherein said native transport network is a network selected from the group consisting of a wireline network, a wireless network, and a packet-switching network.
9. (Original) The method of claim 1, further comprising billing a telecommunications provider of said native transport network for said monitoring.
10. (Original) The method of claim 1, further comprising billing a subscriber based on said duration of said call.
11. (Previously Presented) A system for monitoring communications usage, the system operative to:

receive a call routed from a dialed number in a native transport network to a virtual telephone number in a service-providing network, the native transport network having limited or no capability of providing advanced telephony service;

provide the advanced telephony service to the call, wherein the virtual telephone number utilizes the intelligent services provided by the service-providing network;

route said call from the service-providing network to a terminating network destination; and

monitor a duration of said call traversing the service-providing network.

12. (Previously Presented) The system of claim 11, further operative to monitor a status of the call.
13. (Previously Presented) The system of claim 11, further operative to route said call to an original destination via the separate native transport network.

14. (Previously Presented) The system of claim 11, further operative to associate the virtual telephone number to another telephone number existing in the native transport network.
15. (Previously Presented) The system of claim 11, further operative to associate the virtual telephone number to a packet voice-based telephone number existing in the native transport network.
16. (Original) The system of claim 11, wherein said service-providing network comprises an Advanced Intelligent Network (AIN).
17. (Original) The system of claim 11, wherein said service-providing network comprises a packet-switching network.
18. (Previously Presented) The system of claim 11, wherein the service-providing network modifies messages accompanying the call so that the call is not routed back to the service-providing network in an endless loop.
19. (Previously Presented) The system of claim 11, wherein the service-providing network modifies caller information associated with the call.
20. (Cancel)

REMARKS

Rejection of Claims over *Fuller & Jones*

Claims 1-3, 5-8, 10-14, 16, and 18-19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,775,546 to Fuller in view of U.S. Patent No. 6,356,756 to Koster and further in view of U.S. Patent 6,195,422 to Jones *et al.*

The proposed combination of *Fuller*, *Koster*, and *Jones* teaches away and cannot support a *prima facie* case for obviousness. The M.P.E.P. expressly explains several situations in which a reference teaches away, including when a proposed modification “render[s] the prior art unsatisfactory for its intended purpose” or when the proposed modification “change[s] the principle of operation of a reference.” See M.P.E.P. § 2145 (X)(D). If *Fuller* is combined with *Koster* and *Jones*, as the Office proposes, then either *Fuller*’s or *Koster*’s principle of operation must be changed, and these changes render *Fuller* and/or *Koster* unsatisfactory for their intended purposes. The proposed combination of *Fuller*, *Koster*, and *Jones* cannot support a *prima facie* case for obviousness, so the Office is required to remove the § 103 (a) final rejection of these claims.

The Assignee has already explained both *Fuller*’s and *Jones*’ principles of operation. *Fuller* explains that a caller dials a single directory number, or “common ‘virtual fixed line’ number,” to reach a mobile subscriber. U.S. Patent 6,775,546 to Fuller (Aug. 10, 2004) at column 1, line 65 through column 2, line 12 (emphasis added). *Fuller* then explains that “the common virtual fixed line number is converted in Step 2 into two or more MSISDNs.” *Fuller* at column 6, lines 24-26 (emphasis added). *Jones* describes processing equipment that continuously evaluates the cost of a call for a duration of the call. The combined teaching of *Fuller* and *Jones* thus requires that a user dial a “common ‘virtual fixed line’ number,” and that dialed number is converted to a mobile number. That is, *Fuller* and *Jones* require that a caller

dial a single directory number, or “common ‘virtual fixed line’ number,” to reach a mobile subscriber.

Koster operates entirely different. In *Koster* a caller dials a wireless number and the wireless number is “ported” or “mapped” to another number for a service platform. As *Koster* explains, a caller dials the subscriber’s wireless number. See U.S. Patent No. 6,356,756 to *Koster* at column 5, lines 55-56. *Koster* then **“maps the wireless directory number to the NPA-NXX directory number for the platform.”** *Id.* at column 5, lines 51-52 (emphasis added). The originating switch queries for routing instructions. See *id.* at column 5, lines 61-63. The call is then routed to the service platform. See *id.* at column 5, line 63 through column 6, line 3.

Any combination of *Fuller* with *Koster* would require a change to either *Fuller*’s or *Koster*’s principle of operation. *Fuller* requires that a caller dial a single directory number, or “common ‘virtual fixed line’ number,” to reach a mobile subscriber, and then *Fuller* converts the dialed number into “two or more MSISDNs.” *Koster*, in contradistinction, requires that the caller dial the wireless number (e.g., an MSISDN) and *Koster* converts the dialed number into a service platform’s directory number. Any combination of *Fuller* with *Koster* would thus require that *Fuller*’s principle of operation be changed to convert a dialed directory number into a service platform’s directory number, as *Koster* teaches. This change to *Fuller*’s principle of operation would require entirely eliminating most of *Fuller*’s teachings. Likewise, *Koster*’s principle of operation be changed to require a caller to dial a “common virtual fixed line number” and then convert the dialed number into “two or more MSISDNs,” which would eliminate any mapping to *Koster*’s service platform. Again, this change to *Koster*’s principle of operation would require entirely eliminating most of *Koster*’s teachings.

The proposed combination of *Fuller* with *Koster* and *Jones* thus teaches away and cannot support a *prima facie* case for obviousness. The Assignee has thus put forth compelling evidence that either *Fuller*’s or *Koster*’s principle of operation must be changed to support the *prima facie* case for obviousness. These changes, though, render *Fuller* and/or *Koster* unsatisfactory for their

intended purposes. Because such changes are not permissible, any proposed combination of *Fuller* with *Koster* and *Jones* cannot support a *prima facie* case. The Office is thus respectfully requested remove the final rejection of claims 1-3, 5-8, 10-14, 16, and 18-19.

Rejection of Claims 9, 15 & 17

Claims 9, 15, and 17 were finally rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Fuller* with *Koster* and *Jones* and further in view of U.S. Patent Application Publication 2003/0050100 to Dent. As the above paragraphs explained, though, any proposed combination of *Fuller* with *Koster* and *Jones* teaches away and cannot support a *prima facie* case for obviousness. The additional teachings of *Dent* do not ameliorate these changes. *Dent* describes telecomm equipment (e.g., an antenna) that is shared by multiple service providers. See U.S. Patent Application Publication 2003/0050100 to Dent at paragraph [0006]. Because the equipment is shared, *Dent* also discloses billing schemes to account for each service provider's usage. See *id.* at paragraphs [0016] and [0023] through [0025]. Still, though, any combination of *Fuller* with *Koster*, *Jones*, and *Dent* requires the same impermissible changes to either *Fuller's* or *Koster's* principle of operation. Because these changes are not permissible, *Fuller* with *Koster*, *Jones*, and *Dent* cannot support a *prima facie* case. The Office is thus respectfully requested remove the final rejection of claims 9, 15, and 17.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Zimmerman', is written over a black rectangular background.

Scott P. Zimmerman
Attorney for the Assignee, Reg. No. 41,390